

**SUMMARY OF ADULT PROTECTIVE SERVICES (APS) ENROLLED BILL
(SENATE BILL 318/HOUSE BILL 952)**

Senate Bill (SB) 318 and House Bill (HB 952) amend the *Code of Virginia* at § 63.2-1603 through 1610 regarding Adult Protective Services (APS) by:

- 1) Clarifying population served and adding that reports of suspected abuse, neglect, or exploitation may be made to the local department of social services (local department) OR the 24-hour, toll-free APS hotline;
- 2) Requiring local departments to initiate an investigation within 24 hours of the report and clarifying what is meant by a "valid" report;
- 3) Requiring the local department to refer matters as appropriate to the appropriate licensing, regulatory, or legal authority for administrative action or criminal investigation;
- 4) Allowing the local departments, with informed consent, to take or cause to be taken photographs, video recordings, or appropriate medical imaging of the adult and his environment that are relevant to the investigation;
- 5) Clarifying that APS will not investigate in state correctional facilities;
- 6) Expanding the list of APS situations in which law enforcement must be notified to include sexual abuse; death, serious bodily injury or disease believed to be caused by abuse or neglect; and any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm;
- 7) Changing the timeframe for reporting of suspected adult abuse, neglect, or exploitation by mandated reporters to "immediately" except reports by nursing facility inspectors employed by the Department of Health in the course of a survey;
- 8) Adding persons to the list of APS mandated reporters;
- 9) Noting that a mandated reporter providing professional services in a hospital, nursing facility, or similar institution may, in lieu of reporting directly to APS, notify the person in charge, who shall report such information immediately upon determination that there is reason to suspect abuse, neglect, or exploitation;
- 10) Adding accounting firms to the list of financial institutions who may report voluntarily;
- 11) Prohibiting employers of mandated reporters from preventing a mandated reporter to report directly to APS;
- 12) Requiring employers of mandated reporters to ensure that employees are notified that they are mandated reporters and trained on reporting responsibilities;
- 13) Adding criminal penalties for persons 14 years of age or older who make a false report;
- 14) Authorizing the Commissioner of the Department of Social Services to impose civil money penalties for cases of non-reporting by all mandated reporters except law-enforcement officers (the courts would take these cases);
- 15) Requiring mandated reporters to report immediately to the appropriate medical examiner and law-enforcement agency when there is reason to suspect that an adult died as a result of abuse or neglect and authorizing the medical examiner to order an autopsy;
- 16) Relieving a mandated reporter from reporting to APS if he has actual knowledge that the same matter has already been reported;
- 17) Requiring all law-enforcement departments and other state and local departments, agencies, authorities, and institutions to cooperate with APS in the detection, investigation, and prevention of adult abuse, neglect, and exploitation;
- 18) Allowing APS to be provided through an appropriate court order for a period of 15 days (instead of 5);
- 19) Requiring the Department of Social Services to develop a plan and cost estimate by November 1, 2004, to prepare, disseminate, and present educational programs and materials on adult abuse, neglect, and exploitation to all categories of newly mandated reporters and that the penalty provisions shall not apply to newly mandated reported until the delivery of such training; and
- 20) Requiring the Department of Social Services to develop a model protocol and procedures for, as well as cost estimates for the operation of, adult fatality review teams by November 1, 2004.